

D1 1. (Amended) An insulating material comprising a non-woven blend comprising a polyester filling fibre and a cellulosic fibre obtained by an organic spinning process, the material formed into a form selected from the group consisting of a padding, a stuffing, and a filling.

REMARKS

Claims 1-12 are pending in the application. Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 2, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,532,050 to Brooks, hereinafter "Brooks." Claims 3-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP-08-107224, hereinafter "JP'224" in view of GB 1486 639, hereinafter "GB'639." Claim 1 has been amended. Upon entry of this amendment, claims 1-12 will be pending in the application. No new matter has been added.

Applicant appreciates the withdrawal of the finality of the rejection dated August 29, 2001 and the issuance of the above-captioned office action.

35 U.S.C. § 112 Rejection

Claims 1-10 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and claim the invention. In particular, the Examiner has stated that in claim 1, it is not clear whether the phrase "comprising one of a padding, a stuffing, and a filling material" is a Markush group. Claim 1 has been amended to recite "the material formed into a form selected from the group consisting of a padding, a stuffing, and a filling." Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 112 rejection of claims 1-10 is respectfully requested.

35 U.S.C. § 102(b) Rejection

Claims 1, 2, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brooks. Applicant respectfully submits that independent claim 1 recites features that are neither disclosed nor suggested by Brooks. Claim 1 recites an "insulating material ... comprising a *polyester filling fibre* and a *cellulosic fibre*" (emphasis added). Brooks is directed to a thermo-bonded synthetic fiber batting. The

batting comprises high melting synthetic fibers and low melting synthetic fibers (Brooks at col. 1, lines 9-10). The low melting fibers may be a copolymer of polyesters and the high melting fibers may be staple polyester fibers (Brooks at col. 5, lines 52-56). Alternatively, the fibers may be cellulose acetate, rayon, nylon, and the like (Brooks at col. 3, lines 15-29). That is, Brooks discloses that other polymers may be used in place of polyester, not in combination with polyester. Therefore, Brooks does not disclose an insulating material comprising a polyester fibre and a cellulosic fibre, as recited in claim 1.

As the foregoing feature of claim 1 is not disclosed in Brooks, Applicant respectfully submits that claim 1 and all claims dependent from claim 1, including claims 2, 11, and 12, are not anticipated by the cited reference. Accordingly, reconsideration and withdrawal of the Section 102(b) rejection of claims 1, 2, 11, and 12 is respectfully requested.

35 U.S.C. § 103(a) Rejection

Claims 3-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP'224 in view of GB'639. Applicant respectfully submits that independent claim 1, and therefore, claims 3-10 by reason of their dependency from claim 1, are patentable over the cited references.

JP'244 is directed to a biconstituent fibre (an islands-in-the-sea type) that can be dyed. The "sea" is a cellulose-type polymer and the "islands" are composed of polyester. JP'244, however, does not disclose or suggest forming the biconstituent fibres as a padding, a stuffing, or a filling. JP'244 is non-analogous art and therefore, provides no motivation to use the biconstituent fibre for a padding, a stuffing, or a filling. Rather, JP'244 provides a fibre with a particular functionality: the ability to be dyed. As such, there is no motivation to modify the biconstituent fibre of JP'244 to a padding, a stuffing, or a filling.

GB'639 does not cure the deficiencies of JP'244. GB'639 is directed to a non-woven fabric that may be used for an iron-on inlay material. The non-woven fabric may include regenerated cellulose and polyester. GB'639, however, does not disclose or suggest a padding, a stuffing, or a filling, as recited by the claims. GB'639 is non-analogous art and therefore, provides no motivation to use the fabric for a padding, a stuffing, or a filling. Rather, GB'639 provides a particular functionality that is very specific to iron-on inlays (i.e., non-shrinking properties upon application of heat). As such, there is no motivation to modify the fabric of GB'639 to a padding, a stuffing, or a filling.

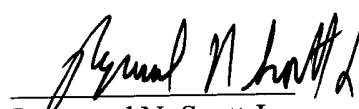
As the foregoing features of claim 1 are not disclosed in either JP'244 or GB'639, Applicant respectfully submits that claim 1, and therefore, claims 3-10 by reason of their dependency from claim 1, patentably define over the cited references. Accordingly, reconsideration and withdrawal of the Section 103(a) rejection of claims 3-10 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1 has been amended as follows.

1. (Amended) An insulating material [comprising one of a padding, a stuffing, and a filling material, the material] comprising a non-woven blend comprising a polyester filling fibre and a cellulosic fibre obtained by an organic spinning process, the material formed into a form selected from the group consisting of a padding, a stuffing, and a filling.